

AMENDED ORDER

Before the Board of Zoning Adjustment, D. C.

Appeal No. 10319, of Presidential Owners, from a decision of the Zoning Administrator rendered on January 12, 1970, ruling that the laundry service being performed in the Statler Hilton Hotel at 1001 16th Street, N. W., Lot 338, Square 198, for the Washington-Hilton Hotel at 1919 Connecticut Avenue, N. W. is an accessory use and thus does not constitute a separate commercial enterprise.

HEARING DATE: December 17, 1973

DECISION DATE: December 18, 1973

This appeal was filed January 27, 1970 by the Laundry-Drycleaning Association of Greater Washington and by Presidential Owners, Inc.

After public hearing, the Board, by order dated June 26, 1970, dismissed the appeal on the procedural ground that the Laundry-Drycleaning Association of Greater Washington was not an aggrieved party and thus lacked standing. The Order included a finding that Presidential Owners, Inc. was not an appellant in the case. Following receipt of the Board's order, counsel for Presidential Owners, Inc., by letter dated July 2, 1970, informed the Board of the clear error and requested reconsideration of its decision.

The Board, upon reconsideration, entered an additional order on November 24, 1970, which recognized Presidential Owners, Inc. as a party. The latter order dealt with the case on its merits and reversed the decision of the Zoning Administrator. Shortly thereafter the Hilton Hotels instituted action for review of the Board's decision in the United States Court for the District of Columbia. Judge Jones, in a memorandum opinion, held that the procedure of the Board of Zoning Adjustment in vacating its original order failed to meet the standards of minimum due process, and therefore the November 24, 1970 order was "reversed and vacated as unlawful and void." The Court further ruled that "(N)o challenge to the June 11, 1970 order has been made and thus the Court expresses no view on that order." Judge Jones then remanded the matter to the Board "for

any further proceedings which it may conduct in accordance with due process of law and this memorandum and order." Hilton Hotels Corporation, et al. v. Samuel Scrivener, Jr., et al., Civil Action No. 3742-70, Memorandum and Order (July 10, 1973).

On October 10, 1973 Judge Jones denied a motion by Hilton Hotels to enjoin a de novo hearing by the Board. On November 8, 1973 Judge Jones denied a motion by appellant Presidential Owners, Inc. seeking a ruling that a de novo hearing was consistent with his order of July 10, 1973. On November 13, 1973 Hilton Hotels filed in the D. C. Court of Appeals an application for stay of the Board's proceedings scheduled for November 14, 1973. The Court denied the application for stay by per curiam order dated November 14, 1973. Hilton Hotels Corp. v. Board of Zoning Adjustment, D. C. Ct. App. No. 7881. On December 14, 1973 Judge Penn of the D. C. Superior Court denied a motion by Hilton Hotels to enjoin the Board from conducting the hearing rescheduled for December 17, 1973, Hilton Hotels Corp., et al v. Board of Zoning Adjustment, Civil Action No. 9784-73, and on December 18, 1973 the D. C. Court of Appeals denied a motion by Hilton Hotels to enjoin the Board's hearing pending appeal.

On December 17, 1973 following introductory remarks regarding their opposition to the Board's jurisdiction to hear the matter, the attorney for Hilton Hotels announced that the hotels would not participate in the hearing and thereupon left the hearing room. Testimony was then accepted from the Zoning Administrator and Presidential Owners, Inc. The Laundry-Drycleaning Association of Greater Washington announced its withdrawal from the appeal.

FINDINGS OF FACT:

1. The Statler Hilton Hotel is located on the east side of 16th Street, N. W., between K and L Streets, partly within a SP zoning district and partly within a C-4 zoning district.

2. The Statler Hilton is owned by the Hilton Hotels Corporation.

3. The lower level of the Statler Hilton contains a laundry facility occupying an area in excess of 9,000 square feet, which facility was originally used solely for processing laundry of the Statler Hilton.

4. Since a date prior to December 24, 1969 the laundry facility at the Statler Hilton has been used to process the laundry of the Washington Hilton Hotel.

5. The Washington Hilton is located on another lot, in the District of Columbia, approximately one mile from the Statler Hilton.

6. The Washington Hilton is owned by Hilton-Uris, Inc. The Hilton Hotels Corporation owns 50% of the stock of Hilton-Uris, Inc.

7. The Washington Hilton and the Statler Hilton are managed and operated by the Hilton Hotels Corporation.

8. Appellant Presidential Owners, Inc., is owner of the Presidential Apartments, a cooperative apartment house located at the Southeast corner of 16th and L Streets, N.W., directly across the street from the Hilton Hotel.

9. Frequent deliveries of laundry to and from the Statler Hilton has resulted in traffic congestion and impeding of pedestrian ways on "L" Street.

CONCLUSIONS OF LAW:

1. The Zoning Regulations permit use of property as a hotel in both SP and C-4 Districts (Sections 4101.43, 3105.3, 5104.31), and any other "accessory use: which is customarily incidental to a hotel (Sections 4101.52, 5104.5).

2. A laundry is not permitted in an SP District unless it is an accessory use.

3. An accessory use is defined as a "use customarily incidental and subordinate to the principal use and located on the same lot therewith."

4. A laundry facility is permitted in a hotel only to the extent necessary to service that hotel.

5. The use of laundry facilities of the Statler Hilton Hotel by the Washington Hilton Hotel is not a use incidental to the principal hotel use at 1001 16th Street, N.W., Lot 338, Square 198.

6. Common management and ownership of the two hotels is not relevant to the determination of whether processing of the Washington Hilton's laundry at the Statler Hilton is an accessory use.

Appeal No. 10319

Page 4

DECISION:


Based upon the above Findings of Fact and Conclusions of Law, the Board concludes that the use of the laundry facility in the Statler Hilton Hotel for the Washington Hilton Hotel is not an accessory use and therefore constitutes a separate commercial enterprise not permitted in an SP zoning district.

ORDERED:

That the decision of the Zoning Administrator be REVERSED.

VOTE: 4-0 (Mr. Scrivener not present, not voting.)

ATTESTED By: _____


JAMES E. MILLER
~~ACTING~~ Secretary to the Board

FINAL DATE OF ORDER: FEB 27 1974

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Further hearing No. 10319, pursuant to D.C. Court of Appeal's remand in the appeal of Presidential Owners, from a decision of the Zoning Administrator rendered on January 12, 1970, ruling that the laundry service being performed in the Statler Hilton Hotel at 1001 - 16th Street, N.W., Lot 338, Square 198, for the Washington-Hilton Hotel at 1919 Connecticut Avenue, N.W. is an accessory use and thus does not constitute a separate commercial enterprise. The further hearing was limited to the following designated issues:

- (a) Whether the BZA is estopped from reversing the Zoning Administrator's ruling of January 12, 1970, in light of expenditures by Hilton Hotels Corporation and/or Hilton-Uris, Inc. on renovations and modernization of equipment pursuant to permits issued by the District of Columbia prior to January 12, 1970; and
- (b) Whether the BZA is estopped from reversing the Zoning Administrator's ruling of January 12, 1970, due to a past practice going back to 1955 of the Statler Hilton Hotel doing laundry for another hotel.

HEARING DATE: July 26, 1978
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. These are proceedings on remand from the decision of the District of Columbia Court of Appeals in Hilton Hotels Corp. v. District of Columbia Board of Zoning Adjustment, D. C. App., 363 A. 2d 670 (1976).

2. On September 30, 1976, the Court therein affirmed the decision of the Board, which reversed the January 12, 1970, ruling of the Zoning Administrator that the laundry service being performed in the Statler Hilton Hotel for the Washington Hilton is an accessory use and thus does not constitute a separate commercial enterprise.

3. On February 23, 1978, in ruling on a petition for rehearing, the Court remanded the record in the case to the Board to determine:

* * * whether it is estopped from reversing the Zoning Administrator's ruling of January 12, 1970, in light of the expenditures by petitioners on renovations and modernization of equipment pursuant to permits issued prior to January 12, 1970, by the District of Columbia and the past practice going back to 1955 of one hotel doing laundry for another hotel.

4. On April 5, 1978, the Board determined that the record was not sufficient for a decision on the issues set out in the Court's order. It scheduled a hearing for June 21, 1978, and, by letter, informed the Hilton Hotels Corp. that it should be prepared to introduce into evidence:

(1) Any permits upon which it relies and copies of applications it submitted to obtain those permits;

(2) Documentary evidence of expenditures it asserts were made in reliance upon permits issued;

(3) Documentary or other evidence that District of Columbia officials had acknowledge that, in reliance upon permits issued prior to January 12, 1970, the use of the laundry would be expanded to include laundry of the Washington Hilton Hotel; and

(4) Documentary or other evidence that District of Columbia officials knew of and approved a past practice going back to 1955 of the Statler Hilton Hotel doing laundry for another hotel and that such a practice actually existed.

5. In 1969, the Hilton Hotels Corporation, which manages the Statler Hilton and the Washington Hilton Hotels decided that it would expand the operation of the laundry at the Statler Hilton so that the laundry would serve both hotels. The decision was made by the General Managers of the hotels in conjunction with the Corporate Engineer of the Hilton Hotels Corporation.

6. The decision to expand the Statler-Hilton laundry was apparently made in May 1969. In that month, concrete budget estimates were complete and the Statler-Hilton began negotiating contracts for work necessary to enlarge the laundry. On August 4, 1969, the hotel ordered approximately \$80,000 worth of equipment for the laundry.

7. A primary witness for the hotels, Richard C. Nelson, did not participate in the decision to enlarge the laundry. The decision was made before he became General Manager of the Statler Hilton in August 1969.

8. The consolidation of the laundry was undertaken to save money and to improve service to the Washington Hilton. The commercial laundry used by the Washington Hilton prior to December 1969, did not provide service that was satisfactory to the hotel.

9. The budget for modernization and expansion of the laundry was \$181,000. It was anticipated that the Statler-Hilton would recover its total cost for modernization and enlargement over a 2 1/2 year period by charging the Washington Hilton the same prices it paid to a commercial laundry prior to consolidation.

10. Between August 1969 and January 12, 1970, the Statler-Hilton paid \$160,824.91 to enlarge and modernize its laundry to handle the consolidation.

11. The Statler Hilton obtained seven permits from the District of Columbia Government to do work necessary to enlarge and modernize its laundry. These were:

- A. A permit issued on August 6, 1969, by the Department of Highways and Traffic for the Aquilla Construction Services, Inc. to do 1/2" test borings at the sidewalk adjacent to the hotel.
- B. A building permit issued on October 17, 1969, to "remove existing valut roof and replace [it] with new removable pre-cast roof. * * *" The cost of the work was stated on the application to be \$1,200.

- C. A public space permit issued on October 17, 1969, "to repair cement concrete sidewalk on the north side of K Street between 15th and 16th Street abutting lot 838, square 198 - sidewalk -- repair sidewalk adjacent to vault."
- D. A plumbing permit issued on October 16, 1969, to "install one gas dryer as per drawings." The applicant for the permit stated that the work would cost \$3,000.
- E. A permit issued on October 8, 1969, for the installation of 12 motors. Testimony at the hearing established that these motors were in tumblers, washers and dryers.
- F. A "Quarterly permit for maintenance and repairs: from August 19 to November 18, 1969," issued on August 25, 1969.
- G. A "Quarterly permit for maintenance and repairs from November 19, 1969 thru February 18, 1970," issued on November 19, 1969.

12. The Washington Hilton Hotel is not mentioned in any of the permits, or applications for permits, referenced in finding No. 11.

13. Officials of the District of Columbia could not determine from the permits referenced in finding No. 11, or from the applications for those permits, that the work being authorized was for an expansion of the Statler Hilton laundry to service the Washington Hilton Hotel.

14. None of the permits referenced in finding No. 11 was improperly issued. The Statler Hilton had a right under the Zoning Regulations to modernize its laundry.

15. Officials of the District of Columbia first learned that the laundry of the Statler Hilton had been enlarged to service the Washington Hilton in late December 1969, by the letter, dated December 24, 1969, from Everett Beall, Treasurer of Presidential Owners, Inc., to the Board of Zoning Adjustment.

16. The Board, in its June 21, 1978, letter requested counsel for the Hotels to provide documentary or other evidence that "District of Columbia officials knew that, in reliance upon permits issued prior to January 12, 1970, the use of the laundry would be expanded to include laundry of the Washington Hilton Hotel." The documentary evidence submitted, i.e., applications for permits, indicates that the proposed expanded use was not disclosed to officials who issued the permits.

An electrical contractor, P.L. Hailsip, testified that he believed a Mr. Jacobs, who was a District of Columbia inspector, learned of the proposed expanded use. He stated that Mr. Jacobs should have been able to deduce an expanded use due to the bigger washers and dryers that were installed but that he did not tell Mr. Jacobs that the laundry was being expanded to service the Washington Hilton. The Board finds that Mr. Jacobs was not informed of the contemplated expanded use and that it cannot reasonably be expected that he could infer such an expanded use from what he saw during his inspection.

The Hilton Hotels Corporation acquired the Statler Hilton Hotel in August 1954. Hilton Hotels Corporation also owned the Mayflower Hotel at that time. Shortly thereafter, discussions began between the management of the two hotels to consolidate the laundry operation at the Statler Hilton.

17. In March or April 1955, the managements of the Statler Hilton and the Mayflower Hotels decided to consolidate the laundry operation of the two hotels at the Statler Hilton. The decision was made, because the laundry equipment at the Mayflower was old and management officials believed a consolidated laundry would be more efficient than separate laundries. The estimated cost for the consolidation was \$146,000. The estimated cost savings was \$76,000 per year, so that the total investment for the consolidations would be returned in 1.9 years.

18. In deciding to consolidate the Mayflower and Statler Hilton laundry, the managements of the hotels were not aware of any other hotels in the District of Columbia that had ever had joint laundry operations.

19. Work began on the consolidation on May 10, 1955, and was completed on August 31, 1955. The expense of consolidation consisted primarily of moving certain equipment from the Mayflower to the Statler Hilton and the purchase of new equipment.

20. In April 1955, completely new linen was ordered for the Statler Hilton so that the linen used there would be like that used at the Mayflower. The linen used by the two hotels was standardized so that all linen washed in the laundry could be used in either hotel.

21. Joint laundry operations began in July or August 1955, and continued until 1958, when the Hilton Hotels Corporation sold the Mayflower Hotel.

22. Officials of the District of Columbia were not aware that the laundry at the Statler Hilton was also being used by the Mayflower Hotel.

23. The Sheraton Park Hotel may have provided laundry service to the Sheraton Carlton in 1968 or 1969. Richard Nelson testified that he was told by the managers of those hotels that "at one time" such service was provided. He stated that he did not know any specifics about a laundry arrangement between the two hotels. An inspector, employed by the District of Columbia, also testified that he once saw Sheraton Carlton linens in the laundry at the Sheraton Park Hotel.

24. There has been no recognized common practice in the District of Columbia of hotels under joint ownership or joint management operating consolidated laundries in one of the hotels. Herbert C. Blunck, who was qualified as an expert, testified that he knew of no consolidated laundry arrangements during his tenure from 1944 to 1968 as General Manager of the Statler Hilton other than the arrangement that his hotel had with the Mayflower. That consolidated operation, and a similar joint arrangement which may have existed between the Sheraton Park and Sheraton Carlton, does not create a recognized common practice.

CONCLUSIONS OF LAW

Based on the entire record, the Board concludes that it is not estopped from reversing the Zoning Administrator's ruling of January 12, 1970, by virtue of expenditures by the Statler Hilton on renovations and modernization of equipment pursuant to permits issued prior to January 12, 1970. It is recognized that estoppel may result from an improper issuance of a permit, which authorizes a structure to be built, or alterations of existing structures or facilities, that cannot be utilized in conformance with the Zoning Regulations for intended uses. That is not the situation here.

The Statler Hilton may, in conformance with the Zoning Regulations, operate a laundry on its premises as an accessory use. It necessarily follows that the Hotel may renovate and modernize its laundry and that it may secure necessary permits to do so. The Hotel, having applied for, and received, permits to perform renovations that are permitted under the Zoning Regulations, cannot invoke the estoppel principle.

Issuing officials were not informed when the permits were sought that an improper use, as well as a permitted one, was contemplated. The District of Columbia did not receive notice of the improper use until after work under the permits was completed. Thus, the case does require the Board to decide whether issuing officials would have had a duty, had they known of the contemplated improper use, to warn the Hotel that one of the intended uses of the modernized facilities was prohibited, even though renovation and modernization of the laundry was permitted.

The Board further concludes that it is not estopped from reversing the Zoning Administrator's ruling of January 12, 1970, in light of any past practice of one hotel doing laundry for another hotel. In order to establish estoppel on this ground, it is incumbent upon the Hotel to prove that the District of Columbia knew of and approved of such a past practice.

On June 21, 1978, the Board requested production of "Documentary or other evidence that District of Columbia officials knew of and approved a past practice going back to 1955 of the Statler Hilton doing laundry for another hotel." No documentary evidence was offered. Mr. Blunck testified that a District of Columbia inspector or inspectors knew the Statler Hilton did laundry for the Mayflower, because during inspections, they must have seen Mayflower linen in the Statler Hilton laundry. However, documentary evidence indicates that linens were standardized when the laundry operations of the two hotels were consolidated. Furthermore, inspectors who went to the hotel did not do so to inspect linen. For those reasons, the presence of Mayflower linen in the Statler Hilton laundry did not provide the District of Columbia with knowledge of the consolidated operation. Since the District of Columbia did not have knowledge that there was a consolidated laundry operation in 1955, it was not reasonable for the Hilton Hotels Corp. to rely on that past, undisclosed practice as establishing, the conformance with the Zoning Regulations of the expansion of the Statler Hilton laundry in 1969.

In this regard, the Board concludes, as an independent and alternative ground for decision, that there is insufficient evidence to establish that there was actual reliance upon the assumed legality of a past practice of one hotel doing laundry for another in reaching the decision to expand the Statler Hilton laundry. The only evidence of reliance was in the testimony of Richard C. Nelson and the affidavit of William J. Utnik.

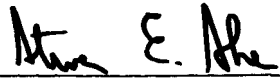
Mr. Nelson testified that knowledge of the prior use "may have had something to do with" the decision. Mr. Utnik was more definite in his statement, but there is nothing in the record to indicate that he participated in the decision or has any personal knowledge of what was considered in reaching the decision. The record indicates that he became General Manager of the Statler Hilton three years after the laundry was enlarged. For these reasons, and because no document proposed in connection with the decision to expand the laundry even mentions the 1955 use, the Board rejects Mr. Utnik's conclusionary assertions of reliance.

For all the above reasons, the Board concludes that it is not estopped from reversing the decision of the Zoning Administrator because of expenditures by Hilton Hotels Corporation or Hilton Uris Inc., or because of past practices of doing laundry for another hotel.

VOTE: 3-0 (William F. McIntosh, Leonard L. McCants and Charles R. Norris in FAVOR; Chloethiel Wooradr Smith not voting, Theodore F. Mariani not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - March 18, 1970

Appeal No. 10319 Laundry-Drycleaning Assn. of Greater Washington
and Presidential Owners, Inc., appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Messrs. William S. Harps and William F. McIntosh dissenting, the following Order (Supplemental Order) of the Board was entered at the meeting of November 24, 1970.

ORDERED:

That the appeal from a decision of the Zoning Administrator given January 12, 1970 ruling that laundry service being performed in the Statler Hilton Hotel at 1001 - 16th Street, NW., Lot 338, Square 198, is not a commercial laundry enterprise and such service facilities may extend to the Washington Hilton Hotel at 1919 Connecticut Avenue, NW under corporate management operations, be DENIED.

FINDINGS OF FACT:

FINDINGS OF FACT NOS. 1 through 7 in the Order of June 11, 1970 are adopted by reference and made a part of this Supplemental Order.

FINDINGS OF FACT NO. 8 - Appellant, Presidential Owners, Inc. is the corporate owner of the cooperative apartment house located at the southeast corner of 16th and L Streets, NW., which is directly across 16th Street from the subject property.

OPINION:

The decision of the Zoning Administrator contained in his letter of January 12, 1970 is reversed.

That the opinion was based on the fact that the Statler Hilton Hotel and the Washington Hilton Hotel is common management. We feel that while a case might possibly be made for support of the Zoning Administrator's decision in a situation of common ownership, this should not be extended to a situation in which there is only common management.

BY ORDER OF D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 

PATRICK E. KELLY, Secretary of the Board

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - March 18, 1970

Appeal No. 10319 Laundry-Drycleaning Assn. of Greater Washington,
appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried,
the following Order of the Board was entered at the meeting of
June 11, 1970.

ORDERED:

That the appeal from a decision of the Zoning Administrator given January 12, 1970 ruling that laundry service being performed in the Statler Hilton Hotel at 1001 - 16th Street, NW., Lot 338, Square 198, is not a commercial laundry enterprise and such service facilities may extend to the Washington Hilton Hotel at 1919 Connecticut Avenue, NW. under corporate management operations, be dismissed.

FINDINGS OF FACT:

1. The laundry operation in the Statler Hilton is conducted partially in an S-P zone and partially in a C-4 zone.

2. The Statler Hilton, and any other hotel regardless of the zone in which it is located, may process its own laundry as a matter of right.

3. The Statler Hilton processes laundry for the Washington Hilton. The two hotels are not owned by the same entity but are managed by the same entity.

4. Appellant is an association of dry cleaning businesses in the Washington metropolitan area. One of its constituent members formerly did the laundry for the Washington Hilton which is now done by the Statler Hilton.

5. The organization owning the Presidential Apartments, across the street from the Statler Hilton, has expressed the general view that no permission should be granted which would increase congestion in the area. The owners of this apartment house are not an appellant in this case.

Appeal No. 10319
June 26, 1970
PAGE 2

6. The statute permits an appeal to be taken to this Board:

"by any person aggrieved, or organization authorized to represent such person --- by a decision by the Inspector of Buildings --- or by any other administrative decision based in whole or in part upon any zoning regulation."

7. The ruling from which this appeal is taken is that made by the Zoning Administrator in his letter of January 12, 1970 to appellant, in which he concludes:

"I am of the opinion the performance of this service in the statler Hilton Hotel for the benefit of the Washington Hilton Hotel does not constitute a violation of the D.C. Zoning Regulations."

OPINION:

Appellant is an organization of businesses, one of which is adversely affected economically by processing of the Washington Hilton laundry by the Statler Hilton Hotel.

After full consideration of the pertinent statute and the decided cases we believe that one who is affected only economically by a use is not a "person aggrieved, or organization authorized to represent such person" as that phrase is used in the statute. Accordingly, appellant's organization is not authorized to bring this appeal, and the appeal is therefore dismissed.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



PATRICK E. KELLY
Secretary of the Board

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Further Hearing No. 10319, pursuant to D. C. Court of Appeal's remand in the Appeal of Presidential Owners, from a decision of the Zoning Administrator rendered on January 12, 1970, ruling, that the laundry service being performed in the Statler Hilton Hotel at 1001 - 16th Street, N.W., Lot 338, Square 198, for the Washington Hilton Hotel at 1919 Connecticut Avenue, N.W. is an accessory use and thus does not constitute a separate commercial enterprise. The further hearing was limited to the following designated issues:

- a. Whether the BZA is estopped from reversing the Zoning Administrator's ruling of January 12, 1970, in light of expenditures by Hilton Hotels Corporation and/or Hilton-Uris, Inc. on renovations and modernization of equipment pursuant to permit issued by the District of Columbia prior to January 12, 1970; and
- b. Whether the BZA is estopped from reversing the Zoning Administrator's ruling of January 12, 1970, due to a past practice going back to 1955 of the Statler Hilton Hotel doing laundry for another hotel.

HEARING DATE: July 26, 1978

DECISION DATE: December 6, 1978

DISPOSITION: The Board concluded that it was not estopped from reversing the decision of the Zoning Administrator's because of expenditures by Hilton Hotels Corporation or Hilton-Uris, Inc. or because of past practice of doing laundry for another hotel by a vote of 3-0 (William F. McIntosh, Leonard L. McCants and Charles R. Norris in FAVOR; Chloethiel Woodard Smith not voting, Theodore F. Mariani not present, not voting.)

FINAL DATE OF ORDER: November 15, 1979

Counsel for the intervenor-appellee, Hilton Hotel Corporation and Hilton-Uris, Inc., filed a MOTION for Reconsideration-Rehearing or in the alternative, Reargument on November 29, 1979. The Board, for good cause shown, waived Section 5.4 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment which requires that such a motion be filed within ten days of the final date of the Order. Upon consideration of the motion for Reconsideration-Rehearing or in the alternative, Reargument, the Board finds that the motion FAILS to state an acceptable basis of error on the part of the Board to support the Motion. The motion attempts to restate the case again, and does not raise issues which the Board has not addressed.

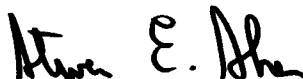
It is therefore, ORDERED that the MOTION for Reconsideration/Rehearing or in the alternative, Reargument is DENIED.

DECISION DATE: January 9, 1980

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants to DENY; Connie Fortune not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 MAR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."